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1666 K STREET, NW  
SUITE 300  
WASHINGTON DC 20006

In re Application of :  
Hans Heinrich Heidtmann et al :  
Serial No.: 09/256,237 : PETITION DECISION  
Filed: February 24, 1999 :  
Attorney Docket No.: 38005-0087 :

This is in response to the Petition under 37 CFR 1.59, filed June 9, 2003, to expunge proprietary material submitted by applicants.

Applicant states that a Proprietary Information Disclosure Statement (PIDS) was submitted and request that it be expunged. Applicants give no date of submission of the PIDS or its nature or general content making location or discovery of the PIDS difficult. The only PIDS which has been located with the file was submitted on December 21, 1999. It is presumed that this is the PIDS whose expungement is desired. Contrary to applicants' statement that the information has not been made public, it is noted that some of the documents listed have been made public by issuance of a patent. The examiner has reviewed the documents disclosed on the PIDS and found them not to be relevant to the patentability of the application. Therefor the PIDS is being returned to applicants with this decision. (Copies of the documents were not included with the PIDS.)

Applicants' petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7230

*Jasemin C. Chambers*  
Jasemin C. Chambers  
Director, Technology Center 1600

**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED  
PATENT AND TRADEMARK OFFICE EMPLOYEE.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 026083/0195**

In re patent application of

Hans Heinrich HEIDTMANN *et al.*

Serial No. 09/256,237

Group Art Unit: 1642

Filed: February 24, 1999

Examiner: L. Sun-Hoffman

For: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE SUBSTANCES  
WHICH CAN BE ACTIVATED BY PROTEASES, AND PREPARATION AND USE

**ATTENTION GROUP ART UNIT 1642**

**TRANSMITTAL LETTER FOR PROPRIETARY INFORMATION  
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56,  
37 C.F.R. § 1.97, and M.P.E.P. § 724.02**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached hereto is a Proprietary Information Disclosure Statement submitting proprietary information to the Patent and Trademark Office in accordance with the requirements of 37 C.F.R. § 1.56, 37 C.F.R. § 1.97, and M.P.E.P. § 724.02. Applicants respectfully request that the information be considered only by the Examiner in charge of the above-captioned application, or other authorized Patent and Trademark Office employee.

This Proprietary Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(b) before the mailing of a first Action on the merits. No fee is due. However, in the event that the Patent Office determines that a fee is due for the

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Serial No. 09/256,237

filing of this document, the Commissioner is hereby authorized to charge any such fee to  
Deposit Account No. 19-0741.

Respectfully submitted,

Dec. 21, 1999  
Date

FOLEY & LARDNER  
3000 K Street, N.W.  
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Ronald J. Kamis  
Ronald J. Kamis  
Reg. No. 41,104

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PATENT AND TRADEMARK OFFICE EMPLOYEE.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 026083/0195**

In re Patent Application of

Hans Heinrich HEIDTMANN *et al.*

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WHICH CAN BE ACTIVATED BY PROTEASES, AND PREPARATION AND USE

**ATTENTION: GROUP ART UNIT 1642**

**PROPRIETARY INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.56 AND M.P.E.P. §§ 742 AND 724.02**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is a listing of copending U.S. patent applications listing Hans-Harald Sedlacek as an inventor.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
08/793,108	April 23, 1997	Gene-Therapeutic Treatment Of Vascular Diseases With A Cell-Specific Active Compound Which Is Dependent On The Cell Cycle
08/793,109	April 25, 1997	Genetic Therapy of Diseases Caused By The Immune System, Said Therapy Using A Cell-Specific Active Substance Regulated By The Cell Cycle

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
08/793,110	April 25, 1997	Genetic Therapy Of Diseases Of The Central Nervous System With A Cell-Specific Active Substance Which Is Dependent On The Cell-Cycle
08/793,660	February 28, 1997	Cell Cycle Regulated Repressors and DNA Element
08/850,744	May 2, 1997	Nucleic Acid Constructs Containing Genes Encoding Transport Signals
08/936,603	September 24, 1997	Nucleic Acid Constructs Containing Hybrid Promoters For Use In Gene Therapy
08/979,154	November 26, 1997	Multifunctional Ligand System For The Target Cell-Specific Transfer Of Nucleotide Sequences
08/987,348	December 9, 1997	Self-Enhancing, Pharmacologically Controllable Expression System
09/008,308	January 16, 1998	Nucleic Acid Construct For Expressing Active Substances Which Can Be Activated By Proteases, And Preparation And Use
09/019,689	February 6, 1998	Promoter Of The Human Endoglin Gene And Its Use
09/025,343	February 18, 1998	Nucleic Acid Construct For The Cell Cycle Regulated Expression Of Structural Genes
09/039,555	March 16, 1998	Promoter Of The CDC25B Gene, Its Preparation And Use
09/119,659	July 21, 1998	Genetically Modified Cells And Their Use In The Prophylaxis Or Therapy Of Disorders
09/196,099	November 20, 1998	Oncogene- Or Virus-Controlled Expression Systems
09/215,221	December 18, 1998	Nucleic Acid Constructs Whose Activity Is Affected By Inhibitors Of Cyclin-Dependent Kinases And Uses Thereof
09/215,224	December 18, 1998	Binding Partners For Inhibitors Of Cyclin-Dependent Kinases And Their Uses
09/256,237	February 24, 1999	Nucleic Acid Construct For Expressing Active Substances Which Can Be Activated By Proteases, And Preparation And Use
09/280,068	March 29, 1999	Target Cell-Specific Non-Viral Vectors For Inserting Genes Into Cells, Pharmaceutical Compositions Comprising Such Vectors And Their Use
09/288,719	April 9, 1999	Single-Chain Multiple Antigen-Binding molecule, Its Preparation And Use

Serial No. 92/256,237

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
09/352,767	July 14, 1999	Expression Systems Comprising Chimeric Promoters With Binding Sites For Recombinant Transcription Factors
09/433,515	November 5, 1999	Methods For Differentiating Cells And Cells Obtained Thereby
09/434,367	November 5, 1999	Cell Specific Membrane Penetrating Molecules

Applicants consider the aforementioned documents and the disclosure of their existence as pending applications to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by M.P.E.P. § 724.02.

Applicants respectfully request that the Examiner consider the foregoing information and provide in the next official communication the information set forth in M.P.E.P. § 724.04(a), particularly the information under item (3), so that the applicant can, if appropriate, subsequently file a petition to expunge those materials, as provided according to M.P.E.P. § 724.05.

This Proprietary Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(b) before the mailing of a first Action on the merits. No fee is due. However, in the event that the Patent Office determines that a fee is due for the filing of this document, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 19-0741.

Respectfully submitted,

Dec. 21, 1999  
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